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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,463	02/14/2005	Wilhelmus Christianus Maria Lohbeck	TS6300US	6338
7590		02/14/2008		
Del S Christensen Shell Oil Company Intellectual Property P O Box 2463 Houston, TX 77252-2463				
			EXAMINER HOOK, JAMES F	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 02/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/524,463

Applicant(s)

LOHBECK, WILHELMUS  
CHRISTIANUS MARIA

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: in line 2 a longitudinally extending slit is positively recited, then in line 9 of the same claim it is positively recited again as "a slit", which appears to be a typographical error where it is believed the second occurrence should be "the slit". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, and 13-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lohbeck (WO 99/56000) in view of Wilkins (see below). The reference to Lohbeck discloses the recited expandable tubular element having a wall 3 having a slit 6 therein forming a pair of stacked wall layers (see figure 1 dashed line configuration), each wall layer having a bent configuration (see solid line configuration of fig 1) in a cross sectional plane prior to radial expansion of the tubular element and being arranged to deform from the bent configuration to a less bent configuration upon radial expansion, each pair of adjacent walls defines at least one cavity also shown as 6 where the cavity is seen to extend

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along less than the circumference of the tubular, the cavity when desired to be permanent is provided with a fluid in the form of a bonding agent suitable to bond the adjacent wall layers together to bond the tubular element to a wall extending adjacent the tubular element, where the suggestion of a cure from a mix of liquid components defines a first and second compound mixed together to form the bonding agent, it is inherent that as the wall layers are starting to deform prior to reaching the expansion state would have different curvatures due to the manner in which it was expanded from the inside by a mandrel or pressure would inherently result in different radii of curvature, the wall of the tubular includes a plurality of cavities spaced along the circumference of the tubular element, the stacked walls extend along the full circumference of the tubular element, where the undulated outside surface of the tubular prior to expansion creates a corrugated shaped element, the stacked walls form a pair of tubes with end parts that extend at least to the ends of the tube and the portion of stacked wall layers is included in one of the end parts of the outer tube, where such can be a wellbore such as are found in the earth as recited in claim 11, and openings are provided 7 or weak spots to allow the bonding agent to be expelled from the cavity.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohbeck (WO 99/56000) in view of Wilkins. The reference to Lohbeck recites all of the recited structure above. It is noted that the term "slit" is not clearly defined, and it is believed that the flattened form of the Lohbeck tubular are a "slit", however, should it be successfully argued that such are not in fact slits, then the reference to Wilkins discloses that it is old and well known in the art to form metal expandable tubular elements by providing slits in a layer that are expanded thereby teaching that expanded cavities of expandable tubes can be formed by other means than attaching a plurality of tubes, specifically providing slits. It would have been obvious to one skilled in the art to modify the tubular element with cavities in Lohbeck such that the cavities are provided by a slit in the wall as suggested by Wilkins where such is an equivalent manner to form cavities in an expandable metal tubular element and would provide another known equivalent method which would be obvious to one skilled in the art to use to form the same type of element which would be an easier and cheaper method than attempting to connect a plurality of tubes together to form the same type of structure and would be stronger due to having only one seam as opposed to multiple seams.

### ***Response to Arguments***

Applicant's arguments filed January 14, 2008 have been fully considered but they are not persuasive. With respect to the arguments directed at Lohbeck, as set forth above the cavities, especially in the dashed line form of figure 1, where such can be

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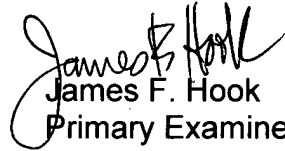
seen as slits. The term slit has not been argued in such a way to suggest that Lohbeck doesn't show a slit in light of the dashed line configuration, however, should such be successfully argued in the future there is also a rejection above teaching forming a slit as well. The argument that Lohbeck teaches advantages to one way of forming the tubular does not limit it to only forming it in that manner when other methods are known in the art and would have less seams but achieve the same result. The arguments directed at Endoh are moot in that this rejection has been dropped.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
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JFH